

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NOTICE OF REMOVAL

To: The Honorable Judges of the
United States District Court
for the Northern District of Illinois
Eastern Division
219 S. Dearborn Street
Chicago, IL 60604

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Pursuant to 28 U.S.C. § 1441, et seq., and 28 U.S.C. § 1332, Defendant,

TARGET CORPORATION, by and through one of its attorneys, Robert M. Burke of JOHNSON & BELL, LTD., hereby gives notice of the removal of the above captioned action from the Circuit Court of Cook County, Cause No. 22-L-000881, to the United States District Court, Northern District of Illinois, Eastern Division, and in support thereof, states the following:

1. This action is being removed to federal court based upon the diversity of citizenship of the parties to this cause, and the existence of the requisite amount in controversy, as is also more fully set forth below.

2. On January 27, 2022, Plaintiff, Delfina Corral, initiated the above captioned lawsuit by the filing of a Complaint entitled *Delfina Corral v. Target Corporation*, Docket No. 22-L-000881, in the Circuit Court of Cook County, Illinois. A

copy of the Civil Cover Sheet and Complaint at Law are attached hereto as Exhibit "A" and incorporated herein by reference.

3. On or about January 27, 2022, Plaintiff caused a Summons to be issued for service upon the registered agent of Target Corporation. *A copy of said Summons is attached hereto as Exhibit "B" and incorporated herein by reference.*

3. Service was obtained on Target Corporation's registered agent on February 4, 2022.

4. The United States District Court for the Northern District of Illinois, Eastern Division, has jurisdiction over the above captioned lawsuit pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441 for the following reasons:

- (a) Plaintiff, Delfina Corral, at the time the lawsuit was commenced and at all relevant times, has been a resident and citizen of the State of Illinois;
- (b) Defendant, Target Corporation, at the time the lawsuit was commenced and at all relevant times, has been a Minnesota corporation with its principal place of business in Minnesota; therefore, for diversity of citizenship purposes, it is a citizen of the State of Minnesota;
- (c) According to the allegations contained in Plaintiff's Complaint herein, the amount of damages sought in this action by Plaintiff is an amount in excess of \$50,000.00. (See page 3 of Exhibit "A".) Plaintiff, Delfina Corral, claims to have sustained "great pain, suffering, loss of a normal life, disability, lost income and financial loss, requiring hospitalization and medical treatment and expense associated therewith." (Exhibit "A" at paragraph 12.) Plaintiff further alleges that she "sustained "severe bodily injuries" as a result of the incident alleged in her complaint. (Exhibit "A" at paragraph 10.) Her attorney signed an affidavit stating that "the plaintiff's claim does exceed \$50,000.00. See page 4 of Plaintiff's Complaint. Such allegations that Plaintiff has sustained a permanent injury are sufficient to trigger the duty to remove the case. *Calvert McCoy v. General Motors Corp.*, 226 F. Supp. 2d 939 (N.D. Ill. 2002); *Varkalis v. Werner Co. & Lowe's Home Center*, No. 10-cv-3331, 2010 WL 3273493 (N.D. Ill. Aug. 18, 2010), a copy of which decision is attached hereto as Exhibit "C". A defendant need demonstrate no more than a good faith, minimally reasonable belief that the suit might result in a judgment in excess of \$75,000.00 to

support the requirement that the amount in controversy has been met. *Rubel v. Pfizer, Inc.*, 276 F. Supp. 2d (N.D. Ill. 2003);

- (d) Based upon the foregoing, it is Defendant's good faith belief that while liability, causation, and damages will be contested, the amount in controversy in this action, based upon Plaintiff's Counsel's affidavit and the allegations of severe and disabling injuries requiring hospitalization and medical treatment and expenses associated therewith, exceeds \$75,000.00, exclusive of interest and costs;
- (e) This Notice of Removal is being filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, within thirty (30) days of service of the Summons and Complaint on this Defendant;
- (f) This action, based upon diversity of citizenship and the amount in controversy is, therefore, properly removable, pursuant to 28 U.S.C. § 1441(a).

5. Defendant will promptly file a copy of this Notice of Removal with the

Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, TARGET CORPORATION respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

JOHNSON & BELL, LTD.

By: /s/ Robert M. Burke
One of the Attorneys for the Defendant,
Target Corporation

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